

Remarks

By the foregoing Amendments, claims 1, 4, 10, 13, and 18 have been amended and new claims 19-21 have been added. No new matter is introduced and supports for the Amendments can be found throughout the application and the drawings as originally filed.

The drawings are objected to because they are informal in quality. In reply to this drawing objection, Applicant submits formal drawings enclosed hereto.

The specification, Abstract, and claim 16 (second occurrence. i.e., claim 18) are objected to because of certain informalities. By the foregoing Amendments, such informalities have been corrected.

The Examiner has rejected claims 10-18 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. In particular, the Examiner has questioned if the phrase "mounting said bottle dividers to bottles", as appeared in claim 10 and description of the invention, is adequate or intended to recite "mounting said bottle dividers between bottles" instead thereof.

Applicant respectfully submits that the term "mounting" as used in the aforementioned phrase of the original application was used in a general and broad sense of the term "mount", that is to say in other words, "to put or have in position" or "to arrange or assemble for use or display". Thus, the phrase "mounting said bottle dividers to bottles" means the action of putting or placing the bottle dividers (which are typically assembled by fitting together slits of the sheets, for example) in position to an object (i.e., bottles) for supporting them, or arranging or assembling the bottle dividers to (or with) the bottles for use. This usage or interpretation of the term "mount" is clearly supported by the English language dictionaries. For example, see the Merriam-Webster

Online Dictionary at <http://www.m-w.com/cgi-bin/dictionary> (a relevant portion enclosed hereto with highlights indicating the corresponding usage of the term "mount").

Applicant believes that a person of ordinary skill in the art, upon reading the claims and related description in the specification, will readily recognize how to make such bottle dividers (for example, fitting by using the sheets as shown in FIGS. 1-3 of the application) and how to use the dividers by positioning to the bottles to be supported by the dividers (for example, as shown in FIGS. 4-5). However, in order to facilitate the prosecution and also to eliminate any possible ambiguities in the meaning, if any, the phrases "mounting ... to" in claim 10 and paragraph [0007] have been amended to "placing ... between" by the foregoing Amendments. Applicant submits that claims 10-18 as amended comply with the enablement requirement under 35 U.S.C. 112, first paragraph.

The Examiner has rejected claims 1-3 under 35 U.S.C. §102(b) as being anticipated by Finch (GB Patent Publication No. 2,213,464 A).

The Finch reference is directed to a protective carrying arrangement or device for bottles, and discloses a bubbled packed compartments structure that are formed of a plastic material and made into bottle shaped receptacles for carrying bottles therein and in order to protect the inserted bottles from damage.

With reference to page 2, lines 18 and 19 of the Finch reference, the examiner has stated that Finch discloses a method of advertising. Applicant respectfully disagrees, and submits that the Finch reference is directed to protecting bottles from damage by providing the protective receptacle compartments, but not to a method of advertising. Finch does not teach anywhere in the disclosure that such protective compartment devices are usable particularly for advertising purposes. Page 2, lines 18 and 19 of the Finch reference merely states that the structure may present a smooth

(but circular) outer surface which may carry printing or the like, and there is no further description or teachings that the surface can be used to carry advertisements. The printing can be drawings or pictures added for decoration or entertainment purposes, or it can be printing for identifying the manufacturer/distributor of the Finch compartment device, for instance. Therefore, without having any indication that the printing is for advertising, this cannot be regarded as suggesting that the circular (i.e., bottle shaped) outer surface of the Finch device can be used as an advertising place.

Distinguishing clearly over the Finch disclosure, the claimed invention requires imprinting of advertising information on the planar exterior faces of the bottle dividers. As specified in the specification, the major object contemplated and solved by the present invention is to create a bottle advertiser that provides more advertising space by placing advertising on the bottle dividers, while at the same time protecting the bottles by the dividers. See paragraphs [0003] to [0006]. This advertising method is not taught or suggested at all by Finch.

Moreover, Finch further fails to disclose or teach the claimed elements that each of the bottle packaging dividers is to be fabricated to have a planar exterior face, and that advertising information is imprinted on the planar exterior faces of the bottle packaging dividers, as required by claims 1-3 of the invention. As discussed above, Finch suggests merely as an incidental option that the outer surfaces of the bottle shaped (i.e., circular) compartments may carry printing. Thus, Finch fails to disclose or teach the above-identified elements of claims 1-3.

In addition, even assuming that the printing can include advertisements only for further discussion even if such printing cannot be regarded as advertisements as discussed above, placing advertisements on the circular exterior surfaces of the Finch device is further not suitable for advertising because the advertising information (if any) cannot conveniently be seen by the purchaser since the information on the circular

surfaces can be blocked from view due to the circular configurations of the multiple compartments. See the drawing of the Finch reference. Thus, the advertising method of the invention, in which advertising information is placed on the planar exterior faces of the bottle packaging dividers, has superior advantages over the Finch method, even when assuming that the Finch device can be used to carry advertising which is not likely.

Accordingly, in view of the foregoing Amendments and remarks, claims 1-3 are patentable over Finch.

The Examiner has rejected claims 1-9 under 35 U.S.C. §103(a) as being unpatentable over Allen (U.S. Patent No. 4,869,599) in view of Goldman (U.S. Patent No. 5,833,056) and Finch (GB Patent Publication No. 2,213,464 A).

Allen discloses a support composed of vertical panels, which is insertable a bag to enable drink cups or other containers to be carried upright in the bag.

Allen, however, fails to disclose or teach the claimed elements that advertising information is imprinted on the planar exterior faces of the bottle packaging dividers, that the bottle dividers are distributed to retail outlets licensed to sell bottles of wine or liquor, and that the bottle dividers are placed between bottles of wine or liquor by employees of the retail outlets, and that, as a result, advertisements are provided to the purchaser of the bottles of wine or liquor while also protecting the purchased bottles from damage. The Examiner has recognized this with the exception of the last element which has been newly added by the foregoing Amendments.

Goldman discloses a non-spill steady cup holder 10 for beverage containers or cups 54 and 62, which includes a panel 14 with openings 20 and 34 for holding the beverage containers 54 and 62 within the openings.

The Goldman reference further teaches that information or advertising indicia can be imprinted on a side exterior surface 42 of the cup holder 10. However, the cup holder of Goldman is not the bottle packaging dividers of the claimed invention for supporting or dividing bottles of wine or liquor after placing between the bottles of wine or liquor. Goldman device is a specially designed cup holder 10 for holding without spill beverage containers or cups 54 or 62 (not bottles of wine or liquor) within horizontal openings 20 and 34 disposed on the horizontal panel 14. This is not a bottle packaging divider for placing between the bottles of wine or liquor and having an advertising media on the faces of the dividers. Therefore, Applicant respectfully submits that the Goldman reference relates to a substantially different device or methods than that utilizing the liquor bottle dividers as an advertising media after placing between the bottles. Accordingly, the Goldman reference cannot be used to combine with the Allen or other cited references to establish unpatentability of the claims under 35 U.S.C. 103.

Moreover, Goldman fails to disclose or teach at least some of the above identified elements of the invention that Allen also fails to disclose or teach. In particular, Goldman fails to teach, among other elements, that the bottle dividers are distributed to retail outlets licensed to sell bottles of wine or liquor, and that the bottle dividers are placed between bottles of wine or liquor by employees of the retail outlets, and that, as a result, advertisements are provided to the purchaser of the bottles of wine or liquor while also protecting the purchased bottles from damage.

On the other hand, as discussed above, Finch discloses a protective carrying device for bottles, which has a bubbled packed compartments formed of a plastic material and made into bottle shaped receptacles for carrying bottles therein and in order to protect the inserted bottles from damage.

However, Finch fails to disclose or teach at least some of the above identified elements of the invention that Allen (and also Goldman) fails to disclose or teach. In

particular, Finch fails to disclose or teach, among other elements, that advertising information is imprinted on the planar exterior faces of the bottle packaging dividers, and that the bottle dividers are placed between bottles of wine or liquor by employees of the retail outlets, and that, as a result, advertisements are provided to the purchaser of the bottles of wine or liquor while also protecting the purchased bottles from damage.

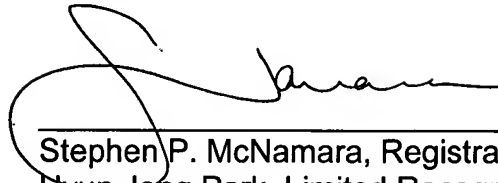
As discussed above, Finch fails to disclose or teach a method of advertising since the incidental teaching of printing on the surface of the bottle shaped compartments cannot be regarded as advertising. Moreover, it is clear that Finch fails to disclose or teach that advertising information is imprinted on the planar exterior faces of the bottle packaging dividers. Furthermore, it is also clear that Finch fails to disclose or teach that advertisements are provided to the purchaser of the bottles of wine or liquor.

Accordingly, in view of the foregoing Amendments and remarks, the cited references, either alone or in combination with one another, fails to disclose or teach at least some of the elements of the invention as claimed in claims 1-9. Therefore, claims 1-9 are patentable over the references.

Applicant respectfully submits claims 10-21 are also patentable at least under the same reasons as discussed above in connection with claims 1-9.

Accordingly, Applicant respectfully submits that claims 1-21 currently pending in this application are patentable over the cited references. Reconsideration and early notice to that effect is earnestly requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Stephen P. McNamara', is written over a horizontal line.

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